

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS**

KYLE COUNTS, DAMANY BROWNE, and  
DENNIS MAYER, individually and on behalf of  
all others similarly situated,

Plaintiffs,

v.

ARKK FOOD COMPANY, a  
Michigan corporation, WAHLBURGERS I,  
LLC, a Massachusetts limited liability  
company, and PATRIOT PICKLE, INC., a New  
Jersey corporation,

Defendants.

Case No.: 1:23-cv-00236

**PLAINTIFFS' UNOPPOSED MOTION  
FOR PRELIMINARY APPROVAL OF  
CLASS ACTION SETTLEMENT,  
PRELIMINARY CERTIFICATION OF  
SETTLEMENT CLASS, AND  
APPROVAL OF NOTICE PLAN**

Pursuant to Rule 23 of the Federal Rules of Civil Procedure, Plaintiffs Kyle Counts, Damany Browne, and Dennis Mayer ("Plaintiffs"), on behalf of themselves and each member of the Settlement Class, move for entry of the Plaintiffs' [Proposed] Order Granting Preliminary Approval of Settlement, Approval of Form Notice, Scheduling of Final Approval Hearing, and Granting Leave to File Amended Complaint, submitted herewith, which will provide for: 1) preliminarily approving the Settlement; 2) certifying the Settlement Class for settlement purposes; 3) approving the Notice Plan, including the Opt-Out and objection procedures; 4) approving the Claims process; 5) appointing Michael Reese and Charles D. Moore of Reese LLP and Kevin Laukaitis of Laukaitis Law LLC as Co-Lead Class Counsel; 6) appointing Angeion Group as the Settlement Administrator; and 7) entering the proposed Preliminary Approval Order attached hereto as Exhibit D. This motion is based on the accompanying memorandum of law, the attached Settlement and its exhibits, the Declaration of Kevin Laukaitis, and all prior pleadings and proceedings herein. Defendants do not oppose this motion.

Dated: April 26, 2024

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*Additional Attorneys for Plaintiff Dennis Mayer*

**CERTIFICATE OF SERVICE**

I hereby certify that on April 26, 2024, a copy of the foregoing was filed electronically with the Clerk of Court via CM/ECF. Notice of this filing will be sent by email to all parties by operation of the Court's electronic filing system or by mail to anyone unable to accept electronic filing. Parties may access this filing through the court's CM/ECF system.

/s/ Kevin Laukaitis  
Kevin Laukaitis